

REMARKS

The issues currently in the instant application are as follows:

- Claims 10 and 13 were rejected under 35 U.S.C. § 102(b) as being anticipated by Alberth (GB 2 347 593).
- Claims 10-11, 14-15, and 18 were rejected under 35 U.S.C. § 102(b) as being anticipated by Shibata (US 2001/0023197).
- Claim 12 was rejected under 35 U.S.C. 103(a) as being unpatentable over Shibata (US 2001/0023197) in view of Kamimura (US 2002/0094806).
- Claims 16-17 and 19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Shibata (US 2001/0023197) in view of Noro (EP 1222971).

Applicant traverses all the outstanding rejections and requests reconsideration and withdrawal thereof in light of the amendments and remarks contained herein.

Amendments to the Claims

Claims 1-9 and 20-21 have been canceled as being drawn to a non-elected invention.

Claims 10-13 have been canceled.

Claim 14 has been amended to recite that the electromechanical ambulation mechanism has a foot for making contact with an external surface on which the handheld audio device is placed. This amendment is supported by original claim 1, FIG. 2, and text on page 5 line 18 to page 6 line 2. No new matter has been added.

35 U.S.C. § 102(b) - Alberth

Claims 10 and 13 were rejected under 35 U.S.C. § 102(b) as being anticipated by Alberth (GB 2 347 593). Claims 10 and 13 have been canceled. Reconsideration and withdrawal of the rejection of claims 10 and 13 under 35 U.S.C. § 102(b) as being anticipated by Alberth is respectfully requested.

35 U.S.C. § 102(b) - Shibata

Claims 10-11, 14-15 and 18 were rejected under 35 U.S.C. § 102(b) as being anticipated by Shibata (US 2001/0023197). Claims 10-11 have been canceled. Shibata proposes a four-line ringer melody with a vibrator that vibrates based on a selected one of the four melodic lines. In accordance with FIG. 1 and FIG. 2 of Shibata, the vibrator 90 seems to be a conventional vibrator housed completely within the casing 10 of the cellular phone. Thus, the vibrator of Shibata fails to have “a foot for making contact with an external surface on which the handheld audio device is placed” in accordance with claim 14 as amended. Thus, amended claim 14 is not anticipated by Shibata.

According to paragraph [0030] of Shibata, the vibration of the vibrator upon receipt of an incoming call can be enabled or disabled. FIG. 4 shows that the incoming call signal from a base station via an antenna triggers the ringer melody (with or without enabled vibrator). See paragraph [0034]-[0035] of Shibata. Thus, Shibata also does not show or suggest “wherein, the controller is programmed to drive the ambulation system in response to audio processed by the audio system” as recited in claim 14.

Claims 15 and 18 depend directly upon claim 14 and also are not anticipated by Shibata. Reconsideration and withdrawal of the rejection of claims 10-11, 14-15, and 18 under 35 U.S.C. § 102(b) as being anticipated by Shibata is respectfully requested.

35 U.S.C. § 103(a) – Shibata and Kamimura

Claim 12 was rejected under 35 U.S.C. 103(a) as being unpatentable over Shibata (US 2001/0023197) in view of Kamimura (US 2002/0094806). Claim 12 has been canceled. Reconsideration and withdrawal of the rejection of claim 12 under 35 U.S.C. § 103(a) as being unpatentable over Shibata in view of Kamimura is respectfully requested.

35 U.S.C. § 103(a) – Shibata and Noro

Claims 16-17 and 19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Shibata (US 2001/0023197) in view of Noro (EP 1222971). Noro discusses a single speaker that can generate both sound and vibration. Noro does not show or suggest that the speaker has “a foot for making contact with an external surface on which the handheld audio device is placed” in accordance with amended claim 14.

Claims 16-17 and 19 depend directly or indirectly upon claim 14 and are not unpatentable in view of Shibata and Noro. Reconsideration and withdrawal of the rejection of claims 16-17 and 19 under 35 U.S.C. § 103(a) as being unpatentable over Shibata in view of Noro is respectfully requested.

S U M M A R Y

The application is in condition for allowance and a favorable response at an early date is earnestly solicited. Should the Examiner have any questions, comments, or suggestions, the Examiner is invited to contact Applicant’s representative at the telephone number indicated below.

Please charge any fees associated herewith, including extension of time fees, to
Deposit Account 502117.

Respectfully submitted,

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